

REMARKS

In the second non-final *Office Action*, the Examiner rejected Claims 1-4, 7-16, and 19-28. The Examiner also objected Claims 5-6 and 17-18 and acknowledged that Claims 5-6 and 17-18 contain patentable subject matter. Applicants thank the Examiner with appreciation for acknowledging that Claims 5-6 and 17-18 recite patentable subject matter.

By this Response, Applicants amend Claims 1, 14, and 23 to clarify Applicants' currently claimed invention. No new matter is believed introduced by the clarifying amendments as at least Pages 2, 5, and 9 of the originally filed *Specification* support the clarifying amendments.

Applicants reserve the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicants also reserve the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed.

After entry of this Response, Claims 1-28 are pending in the Application. Applicants respectfully assert that Claims 1-28 are in condition for allowance and respectfully request reconsideration of the claims in light of the following remarks.

I. Pending Claims

Applicant amends Claims 1, 14, and 23 to clarify Applicants currently claimed invention. More specifically, Applicant amends Claims 1 and 14 to include "the first matching section providing signals at the first output and the second output having substantially equal phase and magnitude" and Claim 23 to include "such that the first output and the second output have substantially the same phase and magnitude".

In light of the Examiner's statements regarding *Barczys* (USPN 4,885,557), Applicants believe that Claims 1, 14, and 23 are allowable over the cited combination. As the Examiner will recall, the Examiner acknowledged that *Barczys* did not show an "output having equal phase and equal magnitude." Claims 1, 14, and 23, now recite a first matching section that provides signals at a first output and a second output that have substantially equal phase and magnitude, which is a feature that the Examiner acknowledges is not taught by *Barczys*. Thus, the cited combination does not teach each and every claimed element and limitation. For this reason, and the reasons discussed below, Applicants believe that Claims 1-28 are in condition for allowance.

II. 35 U.S.C. § 103 Rejection

The Examiner rejects Claims 1-4, 7-12, 14-16, and 19-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,885,557 to *Barczys* in view of *Abouzahra* (USPN 4,947,143). Applicants respectfully assert that the cited combination does not render Claims 1-4, 7-12, 14-16, and 19-28 unpatentable for at least several reasons.

First, the cited combination does not teach each and every claimed element and limitation. As discussed above, Applicants amend Claims 1, 14, and 23 to clarify Applicants' currently claimed invention. It is believed that Claims 1, 14, and 23 now recite features that the Examiner acknowledges is not shown in *Barczys* with respect to Applicants' claimed first matching section. Specifically, this feature is that the first matching section provides signals at the first output and the second output having substantially equal phase and magnitude. In the 12 January 2006 *Office Action*, the Examiner acknowledged that *Barczys* fails to show such a feature. (See 12 January 2006 *Office Action*, p. 3). Accordingly, for at least this reason, Applicants respectfully submit that Claims 1-28 are in condition for allowance.

Second, Applicants respectfully submit that the cited combination is improper and that the cited references can not be combined. Although the Examiner asserts that *Barczys*' multicoupler is equivalent with *Abouzahra*'s divider/combiner, such is not the case and these two devices are not properly combined. *Barczys*' discrete component system can not be properly combined with *Abouzahra*'s because the resulting device would not function to provide multiple outputs having substantially the same phase and magnitude as claimed by Applicant. Indeed, Applicants respectfully submit that *Barczys*' discrete component technology would prevent such a result, thus teaching away from a combination with *Abouzahra*. In short, *Barczys*' discrete component technology would prevent a first matching section to provide outputs having substantially similar phases and magnitudes due to its discrete components; thus, any device constructed from the cited combination would produce Applicants' claimed invention.

Third, Applicants respectfully submit that the Examiner has not set forth a *prima facie* case of obviousness. As MPEP § 2143 provides, a *prima facie* of obviousness requires three findings. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations.

Applicants respectfully submit that neither of the cited references provide the requisite motivation/suggestion as required by §2143. Indeed, one of ordinary skill in the art would not find any motivation to combine *Abouzahra* and *Barczys* to produce the present invention because the references are based on different technological foundations. *Barczys* utilizes discrete components while *Abouzahra* utilizes a planar structure, thus the references are not analogous art. Further, the references do not provide any motivation for combining discrete component technology with a planar technology. Because combining discrete components with a planar structure would not produce Applicants' claimed invention and because such combination would not properly function to produce the results of Applicants' claimed invention, one skilled in the art would not have combined *Abouzahra* and *Barczys* as does the Examiner.

In addition, Applicants respectfully submit that the Examiner has not set forth a reasonable expectation of success that Applicants' claimed invention would result from the cited combination. Applicant respectfully submits that Applicants' claimed invention would not result from the *Abouzahra-Barczys* combination because combining discrete component technology with planar structure technology would not produce Applicants' claimed invention. Accordingly, the Examiner has not set forth a *prima facie* case of obviousness.

As amended, Applicants respectfully assert that cited combination does not render Applicants' currently claimed invention as unpatentable. Accordingly, Applicants respectfully assert that Claims 1-28 are allowable over the cited references. Withdrawal of the § 103(a) rejection is respectfully requested.

IV. FEES

Applicant files this Response within three months of the 12 January 2006 *Office Action* and with no additional claims. Accordingly, Applicant believes that no extension or claims fees are due. The Commissioner is authorized, however, to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

V. CONCLUSION

The foregoing is a complete response to the non-final *Office Action* mailed 12 January 2006. Applicant respectfully asserts that Claims 1-28 are in condition for allowance and respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

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DATE: 6 MARCH 2006